

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

CARL PORTER

PLAINTIFF

V.

CIVIL ACTION NO. 4:19-CV-00049-RP

GLORIA CARTER,  
C.O. VICTORIA ECKFORD, and  
C.O. HONEYCUT

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

This cause comes before the court upon the *pro se* plaintiff's motion for entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Doc. #19. Rule 55(a) provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). In support of his motion, the plaintiff avers that the defendants were served with a copy of his complaint and summons on July 16, 2019 but have failed to answer. The defendants, however, were not served until October 1, 2019, and have through and including November 4, 2019, in which to file their responsive pleadings. Doc. #17. Accordingly, the court finds that the instant motion is not well-taken and is, therefore, **DENIED**.

**SO ORDERED**, this the 2nd day of October, 2019.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE